

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1751 be amended to read as follows:

- 1 Page 3, line 11, delete "record" and insert "**record:**
- 2 **(A)**".
- 3 Page 3, line 13, delete "known." and insert "**known; or**
- 4 **(B) if entered more than six (6) months after the date of the**
- 5 **occurrence or the date that the fact becomes known, the**
- 6 **employer believes that the records separately or together**
- 7 **display facts about the employee that may be used in a**
- 8 **determination as described in section 3(1) of this chapter.**".
- 9 Page 3, line 18, delete "two (2) times" and insert "**one (1) time**".
- 10 Page 3, line 26, delete "If an employee demonstrates that the
- 11 employee is unable to".
- 12 Page 3, delete lines 27 through 31.
- 13 Page 3, line 32, delete "Sec. 7. (a)".
- 14 Page 3, run in lines 26 through 32.
- 15 Page 3, line 32, delete "section 6 of".
- 16 Page 3, line 33, delete "this chapter," and insert "**subsection (a),**".
- 17 Page 3, line 33, after "obtain" insert "**without cost to the**
- 18 **employee**".
- 19 Page 3, delete lines 36 through 39, begin a new paragraph and
- 20 insert:
- 21 "**Sec. 7. If an employer enters a record into a personnel record**
- 22 **under section 5(7)(A) or 5(7)(B) of this chapter, the employer must**
- 23 **notify the employee of the entry into the personnel record within**
- 24 **three (3) calendar days of the entry. The procedures set forth in**

1 section 9 of this chapter control a disagreement by the employee
2 with information contained in the entry.

3 Sec. 8. Notwithstanding the limitations of review of a personnel
4 record set forth in section 6(a)(2) of this chapter, if an employee is
5 notified that any disciplinary action, including, but not limited to:

6 (1) suspension;

7 (2) demotion; or

8 (3) termination;

9 is being considered, the employee may request, in writing, a copy
10 of the employee's personnel record, subject to the exceptions
11 contained in section 5 of this chapter. The employee's written
12 request for the personnel record must include the address to which
13 the personnel record is to be delivered. The copy shall be provided
14 without cost to the employee and within five (5) work days or at the
15 time of the disciplinary action, whichever is earlier."

16 Page 3, line 40, delete "8." and insert "9."

17 Page 4, line 16, delete "9." and insert "10."

18 Page 4, line 19, delete "10." and insert "11."

19 Page 4, line 26, delete "11. The" and insert "12. For a violation of
20 this chapter, the".

21 Page 4, line 26, delete "employee prevailing in an" and insert
22 "employee:".

23 Page 4, delete line 27.

24 Page 4, line 28, delete "For a violation of this chapter,".

25 Page 4, line 28, delete "damages plus costs." and insert "damages;".

26 Page 4, line 29, delete "For a willful and knowing violation of this
27 chapter, an" and insert "reasonable attorney's fees; and

28 (3) costs.".

29 Page 4, delete lines 30 through 35.

(Reference is to HB 1751 as printed February 19, 2003.)

Representative Mays